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PTO/SB/21 (08-03)

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|---|-------------------|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/729,622 |
| | | Filing Date | December 5, 2003 |
| | | First Named Inventor | Mark E. DEEM |
| | | Art Unit | 3765 |
| | | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission | 6 pages + 2 refs. | Attorney Docket Number | 514362000203 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental) - 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 + duplicate copy - 2 pages Two (2) references Return receipt postcard |
| <div>Remarks</div> | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25226) Mika Mayer - 47,777 |
| Signature | |
| Date | May 21, 2004 |

| | |
|---|-----------------------------------|
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. | |
| Dated: May 21, 2004 | Signature: (Patricia M. Ellison) |

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Patricia M. Ellison

Patricia M. Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mark E. DEEM et al.

Serial No.: 10/729,622

Filing Date: December 5, 2003

For: OBESITY TREATMENT TOOLS AND
METHODS

Examiner: Not Yet Assigned

Group Art Unit: 3765

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)


Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 514362000203. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 21, 2004

Respectfully submitted,

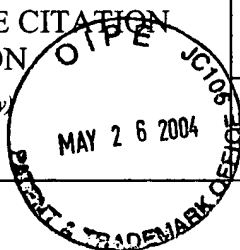
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Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)



Docket Number 514362000203

Application Number 10/729,622

Applicant

Mark E. DEEM et al.

Filing Date December 5, 2003

Group Art Unit 3765

Mailing Date May 21, 2004

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------------|--------------|----------------------|-------|----------|----------------------------|
| | 1. | 10/03/2002 | 2002/0143346 | McGuckin, JR. et al. | | | |
| | 2. | 05/15/2003 | 2003/0093117 | Saadat | | | |
| | 3. | 06/26/2003 | 2003/0120289 | McGuckin, JR. et al. | | | |
| | 4. | 02/05/2004 | 2004/0024386 | Deem et al. | | | |
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| | 6. | 06/27/1989 | 4,841,888 | Mills et al. | | | |
| | 7. | 08/06/1991 | 5,037,021 | Mills et al. | | | |
| | 8. | 10/20/1992 | 5,156,609 | Nakao et al. | | | |
| | 9. | 07/19/1994 | 5,330,486 | Wilk | | | |
| | 10. | 09/03/1996 | 5,551,622 | Yoon | | | |
| | 11. | 03/04/1997 | 5,607,094 | Clark et al. | | | |
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| | 13. | 10/14/1997 | 5,676,674 | Bolanos et al. | | | |
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| | 15. | 12/26/2000 | 6,165,183 | Kuehn et al. | | | |
| | 16. | 07/03/2001 | 6,254,642 | Taylor | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------------|--------------|---------|-------|----------|--------------------|
| | 17. | 12/24/2003 | WO 03/105563 | WIPO | | | |
| | 18. | 12/24/2003 | WO 03/105671 | WIPO | | | |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.